#### THE VIRGINIA BOARD FOR ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS MEETING MINUTES

The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors met on May 10th, 2012, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Bonnie Atwood	Brian Koepf
Colleen Becker	T. Joel Loving
Christopher Chapman	Reginald Marston, III
Keith Cronan	Kenneth Nash
Dolores Daniels	Peter Palmer
Rick Holtz	D. Todd Vander Pol
D. Bowman Hyatt	

Board Members Suzanne Blevins and Phillip Fincher were not present at the meeting.

The following staff members were present for part or all of the meeting:

Gordon Dixon, Director, Arrived 10:20 AM

Mark N. Courtney, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Michele Atkinson, Board Administrator
Jill Hrynciw, Board Administrator
Earlyne Perkins, Legal Assistant
Candace Howard, Legal Assistant
Sheila Watkins, Administrative Assistant

Steven Jack was present from the Office of the Attorney General.

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:01 a.m.

Call to Order

Mr. Cronan noted that agenda item 12 was listed as MOLD and has been corrected to ASB (asbestos). Ms. Daniels moved to approve the agenda. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

**Approval of Agenda** 

Mr. Dick introduced Candace Howard, Legal Assistant and Sheila Watkins, Administrative Assistant to the Board members.

Introduction of Staff

Ms. Hrynciw shared with the Board members that on page 2 of the draft minutes for February 7, 2012, a correction needed to be noted before final approval.

Approval of Minutes

Ms. Becker moved to approve the following minutes:

Board Meeting Minutes - February 7, 2012; IFF Meeting Minutes – February 15, 2012; IFF Meeting Minutes - March 6, 2012; IFF Meeting Minutes - March 8, 2012; IFF Meeting Minutes - March 20, 2012; and IFF Meeting Minutes - March 22, 2012.

Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

**Public Comment Period** – No comments were made to the Board.

**Public Comment** Period

File Number

2012-01762 Anthony D. Pride

Regarding File Number 2012-01762, Anthony D. Pride, the Board members reviewed the record, which consisted of the application file, exhibits, and transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Pride was present and addressed the Board. He shared his agreement with the recommendation. Mrs. Pride was present and addressed the Board. After Board discussion, Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with a correction that Mr. Pride should be an Asbestos Project Monitor not "Manager" and approve Mr. Pride's application for asbestos project monitor.

Mr. Koepf seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen

Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

Regarding File Numbers 2012-01947, Jeffrey L. Hall, the Board members reviewed the record, which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference. and the Presiding Officer's Summary and Recommendation. Mr. Hall was present and addressed the Board. Mr. Larry Janney, Mr. Hall's supervisor at Consolidated Construction, was present and addressed the Board. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Hall's mold remediator supervisor application. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

File Number 2012-01947 Jeffrey L. Hall

Regarding File Number 2012-01948, Michael D. Nixon, the Board members reviewed the record, which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Nixon was present. He had nothing to say. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with the following correction, on page two of the summary, the first conviction should state Culpeper County General District Court and not Goochland, and approve Mr. Nixon's mold remediator supervisor application. Ms. Daniels seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

File Number 2012-948 Michael D. Nixon

Regarding File Number 2012-02059, Danny Testa, Jr., the Board

File Number

members reviewed the record, which consisted of the application file, exhibits and transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Testa did not appear. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer with the following correction, the second paragraph of the summary should state four misdemeanor crimes. instead of three misdemeanors and one felony, and approve Mr. Testa's mold inspector application. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

2012-02059 Danny Testa, Jr.

Regarding File Number 2012-02184, William W. Mayo, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Mayo was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Mayo's asbestos worker application. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

File Number 2012-02184 William W. Mayo, Jr.

Regarding File Number 2012-02186, Royce Quitoriano, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Quitoriano was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Quintoriano's mold inspector application. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash

File Number 2012-2186 Royce Quitoriano

were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

Regarding File Number 2012-02361, William D. Piland, Jr., the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Piland was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Piland's mold remediator supervisor application. Ms. Becker seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

File Number 2012-02361 William D. Piland, Jr.

Regarding File Number 2012-02471, James G. Herrera, the Board members reviewed the record which consisted of the application file, exhibits, transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Herrera was not present. After discussion, Mr. Vander Pol moved to accept the summary and reject the recommendation of the Presiding Officer and approve Mr. Herrera's application for mold remediator supervisor. Mr. Chapman seconded the motion which failed by a "yes" vote of 3, Vander Pol, Chapman and Cronan, and a "no" vote of 8, Atwood, Daniels, Hyatt, Koepf, Loving, Marston, and Palmer. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

<u>File Number</u> 2012-02471 James G. Herrera

After discussion, Mr. Vander Pol moved to amend his motion to accept the summary and recommendation of the Presiding Officer and approve Mr. Herrera's application for a mold remediator supervisor license subject to the terms of an Agreement for Licensure wherein Mr. Herrera agrees to the following conditions within 14 days:

1) Herrera must abide by the provisions that govern his sex offender status in any state he resides and or

- works and provide proof of such compliance on a yearly basis for two (2) years;
- 2) Proof of compliance as referenced in provision one may include but is not limited to documentation from staff of the Sex Offender Registry of the State of Maryland and/or any documentation deemed appropriate by the Board,
- 3) Any and all other conditions deemed appropriate by the Board.

Mr. Chapman, the second, agreed to the amendment.

After further discussion, Mr. Vander Pol moved to further amend his motion to approve Mr. Herrera's application for a mold remediator supervisor license subject to the terms of an Agreement for Licensure wherein Mr. Herrera agrees to the following condition within 14 days: Provide documentation to the Board that he has registered with the Virginia Sex Offender and Crimes Against Minors Registry or provide documentation that he is not required to register with the Virginia Sex Offender and Crimes Against Minors Registry. The documentation is to accompany his signed Agreement for Licensure. Mr. Chapman, the second, agreed to the amendment. The amended motion was approved by 8 "yes" votes from Chapman, Cronan, Daniels, Hyatt, Loving, Marston, and Vander Pol and 3 "no" votes from Atwood, Palmer, and Koepf. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

The Board recessed for a break from 9:48 a.m. and reconvened at 10:02 a.m.

David Dick, Executive Director, provided the Board a handout for their consideration on House Bill 1291 and Senate Bill 678. Mr. Vander Pol made a motion that based on House Bill 1291 and Senate Bill 678 having been signed by the Governor that the Board authorize Board staff to file an exempt action, to be effective on July 1, 2012, to repeal the Board for Asbestos, Lead, Mold, and Home Inspector Mold Inspector and Remediator Regulations. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Vander Pol. Board members Colleen Becker, Rick Holtz and Kenneth Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated

<u>Break</u>

Exempt Action Repeal Mold Regulations

to RRP until the effective date of the regulations. Board member Blevins was absent and did not vote.

Mr. Dick provided the Board with a handout as a response to their request that staff provide statistics on the number of initial applications, renewal applications and the regulant population for the Board to consider at this meeting. The period of time covered in this report is July 1, 2010, through December 1, 2011.

Fee Adjustments

Mark Courtney, Deputy Director of Licensing and Regulation, shared with the Board that any individual who paid for the processing of a mold license application will receive a refund of the \$25.00 application fee. A letter will accompany the refund.

David Dick shared that the Board's regulations remain in the Governor's office awaiting approval. No additional information is available at this time. The Board took no action.

<u>Update on</u> <u>Regulatory Activity</u>

The following meeting dates have been scheduled:

Future Meeting Dates

- August 23, 2012
- November 8, 2012
- February 7, 2013
- May 2, 2013
- August 8, 2013
- November 14, 2013

Mr. Cronan requested that the Board members complete their conflict of interest forms and travel vouchers.

Conflict of Interest Forms and Travel Vouchers

David Dick shared with the Board that he will be retiring from state service and this will be his last ALMHI meeting. He also shared that due to the repeal of the Mold program Peter Palmer will no longer be a member of the Board. On behalf of the Board, the Department of Professional and Occupational Regulations and the citizens of the Commonwealth of Virginia, Mr. Dick extended sincere thanks to Mr. Palmer for his service to the Commonwealth.

**Announcement** 

Virginia Board for Asbestos, Lead, Mold, and Home Inspectors May  $10^{\text{th}}$ , 2012 Page 8

There being no further business, the meeting adjourned at 10:31 a.m.

Adjournment

Keith F. Cronan, Chair

Gordon Dixon, Secretary

1.	Name:	Bonnie Atwood	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors	
4.	Meeting/IFF Date:	May 10th, 2012	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Af	fected by Transaction:	
	I declare that I am a member of the following business, profession, occupation o group, the members of which are affected by the transaction:		
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6. <sup>5</sup>	d I do not have a personal in	nterested in any transactions taken at this meeting.	
/	Signature Atw	5-10-12 Date	

1.	Name:	Colleen Becker
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	I have a personal interest in the	ne following transaction:
	mold repulati	ians
	Nature of Personal Interest Af	
	DPOR amound	mold trainer/licensed mold inspector
	I declare that I am a member	of the following business, profession, occupation or are affected by the transaction:
	☑ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	☐ I do not have a personal is	nterested in any transactions taken at this meeting.
	Signature Signature	5/10/12 Date

1.	Name:	Christopher J. Chapman
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	I have a personal interest in the following transaction:	
		of the following business, profession, occupation or are affected by the transaction:
	I am able to participate in interest.  or  I did not participate in the	n this transaction fairly, objectively, and in the public e transaction.
6.	☐ I do not have a personal is	nterested in any transactions taken at this meeting.
	Signature	<u>5.10.2012</u> Date
	olgilature	Date

1.	Name:	Keith F. Cronan
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5. I have a personal interest in the following transaction:		ne following transaction:
	Nature of Personal Interest Af	ffected by Transaction:
	group, the members of which	of the following business, profession, occupation or are affected by the transaction:
		n this transaction fairly, objectively, and in the public
	☐ I did not participate in the transaction.	
6.	☐ I do not have a personal i	nterested in any transactions taken at this meeting.
	Valle	5/10/12
	Signature	Date

1.	Name:	Dolores C. Daniels
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	. I have a personal interest in the following transaction:	
	Nature of Personal Interest Af	fected by Transaction:
I declare that I am a member of the following business, profession, occupation group, the members of which are affected by the transaction:		
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	do not have a personal in	nterested in any transactions taken at this meeting.
	Dalarel, Da Signature	May 10,2012

1.	Name:	Rick Holtz
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
I have a personal interest in the following transaction:  Nature of Personal Interest Affected by Transaction:		ne following transaction:
		fected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	I do not have a personal in	nterested in any transactions taken at this meeting.
	Yak Holling	5/10/17 Date

1.	Name:	D. Bowen Hyatt
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	5. I have a personal interest in the following transaction:	
	Nature of Personal Interest Af	ffected by Transaction:
	group, the members of which	of the following business, profession, occupation or are affected by the transaction:
	I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.		e transaction.  nterested in any transactions taken at this meeting.

1.	Name:	Brian Koepf
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5. I have a personal interest in the following transaction:		ne following transaction:
	Nature of Personal Interest Af	ffected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
•	I am able to participate in interest.  or  I did not participate in the	n this transaction fairly, objectively, and in the public
6.	I do not have a personal i	nterested in any transactions taken at this meeting.
	Signature	5 10 2012 Date

1.	Name:	T. Joel Loving
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	I have a personal interest in the following transaction:	
	Nature of Personal Interest Af	fected by Transaction:
	I declare that I am a member of the following business, profession, occupation o group, the members of which are affected by the transaction:	
	am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	5. Define the second of the se	
•	Signature	<u>5-10-1Z</u> Date

1.	Name:	Reginald E. Marston, III
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	I have a personal interest in the following transaction:	
	Nature of Personal Interest Affected by Transaction:  I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:	
	I am able to participate in this transaction fairly, objectively, and in the public interest.  or  I did not participate in the transaction.  I do not have a personal interested in any transactions taken at this meeting.  Signature  Date	

1.	Name:	Kenneth Nash
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5. I have a personal interest in the following transaction:		he following transaction:
	Nature of Personal Interest Af	ffected by Transaction:
		of the following business, profession, occupation of are affected by the transaction:
-	'	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	☐ I do not have a personal i	nterested in any transactions taken at this meeting.
	Signature	$\int_{Date} \int_{Date} \frac{5/10/12}{}$

1.	Name:	Peter Palmer	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors	
4.	Meeting/IFF Date:	May 10th, 2012	
5.	I have a personal interest in th	ne following transaction:	
	Nature of Personal Interest Affected by Transaction:		
		of the following business, profession, occupation or are affected by the transaction:	
	☐ I am able to participate in interest.	this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6.	I do not have a personal in	nterested in any transactions taken at this meeting.	
	Signature Signature	<u>5/10/2012</u> Date	

1.	Name:	D. Todd Vander Pol
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, Mold & Home Inspectors
4.	Meeting/IFF Date:	May 10th, 2012
5.	I have a personal interest in the following transaction:	
	Nature of Personal Interest A	ffected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	<ul> <li>□ I am able to participate in interest.</li> <li>or</li> <li>□ I did not participate in the</li> </ul>	n this transaction fairly, objectively, and in the public